IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20672 of 2007(J)

PETITIONERS:
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1. SAYYID MUHAMMED RAFEEK K., AGED 23 YRS,
S/O. MUTHUKOYA THANGAL, UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

2. VIDHU P.,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

3. NIMA A.M.,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

4. MOOSAKUTTY P.,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

5. ANEEZ BABU,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

6. SHAHIDA A.T.,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

7. SAKKEER HUSSAIN T.P.,
UPPER PRIMARY SCHOOL ASSISTANT, AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

8. SREEKALA K.,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE),
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

9. MAYA P.,
HIGH SCHOOL ASSISTANT (HINDI), AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

10. REJANI K.C.,
HIGH SCHOOL ASSISTANT (MALAYALAM),
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

11. SAKKEENA M.,
HIGH SCHOOL ASSISTANT (ENGLISH),
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

12. SUNITHABI K.C.,
HIGH SCHOOL ASSISTANT (MATHS), AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

13. ELSY THOMAS,
HIGH SCHOOL ASSISTANT (MATHS), AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

14. MUSSADIQUE C.,
HIGH SCHOOL ASSISTANT (SOCIAL STUDIES),
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

15. MUHAMMED RAFEEQUE C.P.,
HIGH SCHOOL ASSISTANT (URDU), AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

16. JIJIMOL THOMAS,
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE),
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

17. SHAHEERA P.,
HIGH SCHOOL ASSISTANT (ARABIC), AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

18. JANEES T.K.,
PART-TIME MENIAL, AIDED HIGH SCHOOL,
PAREL MAMPATTUMOOLA, P.O.KOORAD, MANHAPPETTY,
MALAPPURAM DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:
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1. THE DISTRICT EDUCATIONAL OFFICER,
WANDOOR, MALAPPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

4. THE MANAGER,
AIDED HIGH SCHOOL, PAREL MAMPATTUMOOLA,
P.O.KOORAD, MANHAPPETTY, MALAPPURAM DISTRICT.

5. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.20672 OF 2007

Dated this the 5th day of July, 2007

JUDGMENT

Petitioners, who are 18 in number, are stated to be working as Upper Primary School Assistants/High School Assistants/Part-time Menial in Parel Mampattumoola High School in Malappuram district, have preferred this writ petition with a limited prayer to issue a writ of mandamus or such other appropriate writ or direction to respondent no.3 to consider their representations expeditiously.

2. Grievance of the petitioners is that the controlling officer has refused to approve their appointment to the respective posts in the school on the ground that the management had failed to appoint protected teachers as contemplated under the relevant Government Order. But it is the contention of the petitioners that such protected teachers were not in fact available in the district at the relevant point of time. It is further contended by the petitioners that in view of Ext.P21order, the stand taken by the controlling officer

may not be legally valid and sustainable. Anyhow, petitioners admit that the issue may have to be considered by the Government in the light of Ext.P21.

3. In view of the limited prayer made by the learned counsel for the petitioners at the Bar, I do not deem it necessary to deal with the various contentions raised by them at this stage. In my view it will be appropriate, if the government takes a decision in the matter in accordance with law.

4. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.3 to consider and pass orders on Ext.p45 which is stated to have been preferred by the petitioners highlighting all the relevant aspects of the issue. A decision shall be taken in the matter by respondent no.3 strictly on its merit and in accordance with law and also keeping in view Ext.P21, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. An authorised representative of the petitioners shall be heard by respondent

no.3 before any orders are passed. Petitioner shall produce a copy of the writ petition and a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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